

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, SEPTEMBER 22, 2005
8:30 A.M.**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Trish Owen, Chief Deputy County Clerk
Melissa Koci, County Clerk's Office

The Chair opened the meeting at 8:31 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,
SEPTEMBER 15, 2005**

MOTION: Stevens moved and Heier seconded approval of the Staff Meeting minutes. Heier, Hudkins and Stevens voted aye. Workman and Schorr were absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

A. R-O-W Certificate

MOTION: Heier moved and Stevens seconded approval of the addition to the agenda.

B. Ernie Goss Presentation to Arena Task Force

Workman entered at 8:34 a.m.

AMENDMENT TO MOTION: Stevens moved and Heier seconded to add the second addition to the agenda. Heier, Workman, Stevens and Hudkins voted aye. Schorr was absent from voting. Motion carried.

3 (A) COUNTY CHANGE OF ZONE NO. 05058, TEXT AMENDMENT TO COUNTY ZONING RESOLUTION (TWO THREE-ACRE LOTS FROM 40); AND (B) SPECIAL PERMIT NO.'S 05038 AND 05039, AND PRELIMINARY PLAT NO. 05013, WAGON TRAIN ESTATES, 96TH STREET AND WAGON TRAIN ROAD - Mike DeKalb, Planner

Mike DeKalb, Planner, appeared and distributed documentation regarding County Change of Zone No. 05058, Text Amendment to County Zoning Resolution (two three-acre lots from 40) (Exhibit A). He indicated the Comprehensive Plan allows for amending the zoning text to allow two three-acre lots from 40 and with the help of the County and City Attorney there is a small provision that will be added that says:

"The general requirements of this subsection (a) are not required to be met in the event a 40 acre tract of land is subdivided into two buildable lots of not less than three acres each and a non-buildable outlot of not less than 30 acres."

DeKalb said the Planning Commission didn't have any issues.

Stevens asked if they had to be clustered and if the County Board has the opportunity to require a common road or joint access.

DeKalb said they didn't have to be clustered and he encouraged joint access.

Heier noted he has always had a concern with the public property that is not paying any taxes on their land.

Stevens said if he owned 40 acres and sells off an acre for some reason, it will impact his ability to put two 3's in a 40 because he doesn't have it.

Hudkins questioned buildable lots that have less than 40 acres.

DeKalb said it is providing the equivalent of two 20's today and the way the zoning code is written you can only have one buildable lot on acres of less than 40.

Schorr entered at 9:05 a.m.

DeKalb distributed documentation regarding Special Permit No. 05038, which is to construct dwellings within 1320' of a public lake and Special Permit No. 05039, Wagon Train Estates Community Unit Plan and Preliminary Plat No. 05013, Wagon Train Estates, which are to develop six residential acreage units, with associated waiver requests (Exhibit B).

DeKalb noted the request by the State Game and Parks Commission to strictly apply the 600' buffer would preclude any development of the site. The existing home to the east is about 385' from the park property and the barn is at about 168', thus creating a constraint on hunting within this portion of the park today. He said a setback of 200' would provide an equivalent impact on the parkland as the existing development to the east. DeKalb noted use of a cluster with a community waste system might allow for six lots as well as an appropriate buffer and if three acre lots are used, the number of lots would likely be reduced to three or four.

DeKalb also said there was a lot of opposition and a couple of petitions with over 100 signatures submitted.

Heier asked about the setback requirements being set by State Statute or if they are set by the County.

DeKalb noted the State has no setback requirement on the land or the houses, however the State setback is an imposition on where a person can hunt and the distance is 200' from a house. He said the State bought the land for hunting recreation and if there is a house next door, they have to stay 600' back because it encroaches on their use of the State land.

DeKalb said Planning is requesting a 200' setback because 600' is inappropriate and makes the land totally undevelopable, however when the land was granted to AGR he believed there was some presumption that they would get between 4 and 6 lots.

Stevens noted he may have made a mistake by considering the Change of Zone without the Preliminary Plat because the change of zone is a done deal and the owner has the opportunity to come back based on the acreage and lay out a preliminary plat, which he is not happy about. He thought maybe Lot 6 may be subject to the TDR Program, which may give the landowner some value out of the land in the future if it were non-buildable. Stevens also had concerns about the water.

The Board had some concerns about Lot 6 and the driveway.

DeKalb suggested doing long narrow 3's and at the back part of the lot you could still have a common access instead of at the front.

Stevens also noted the value of the property was increased by making the zoning change.

4 INSURANCE RENEWALS - Sue Eckley, Risk Manager and Workers' Compensation Manager; Tom Champoux, UNICO

Tom Champoux, UNICO, appeared and distributed documentation regarding the insurance renewals for 2005-2006 (Exhibit C) and indicated there is not going to be a reduction like last year, but things are pretty even for this year. Champoux said there is a 6% increase in Property Values, which amounts to \$82,261 in coverage and even though there are 3 additional automobiles to insure, there was a reduction of \$59 in the automobile coverage.

Heier asked for a copy of the list of vehicles and machinery.

Champoux noted the boiler and machinery coverage will not change, the Public Building Commission will have a \$176 increase due to General Liability and also said the Crime coverage has increased \$966.

Heier asked about dropping the Crime coverage since the County has become self-insured. He also asked for a copy of the physical damages that were paid out on the automobile liability insurance.

Hudkins said they need to get an Attorney's opinion regarding dropping the Crime coverage since Lancaster County has become self-insured.

5 WORKWELL CAFÉ - Sue Eckley, Risk Manager and Workers' Compensation Manager

Eckley appeared and reported Workwell is offering a menu program this year instead of Winning of Wellness, which would cost \$1 registration fee per employee and there are prizes given at the end.

MOTION: Schorr moved and Workman seconded to authorize payment of the \$1 fee per employee out of the Wellness budget. Schorr, Hudkins, Workman and Heier voted aye. Stevens voted no. Motion carried.

6 ENFORCEMENT OF SETBACKS - Terry Kathe, Building & Safety, Zoning Coordinator; Dale Stertz, Building & Safety Chief Plans Examiner; Chuck Zimmerman, Building & Safety Plan Review Manager

Chuck Zimmerman, Building & Safety, Plan Review Manager, appeared and indicated there has been some discussion about enforcing frontage requirements and setback requirements and they need some clarification on what to do with sideyard setbacks on 20-acre tracts. He said there has been an instance where the people that built the house were lead to believe they were in Firth's jurisdiction and they got the building permit from Firth and built the house. Zimmerman said now they have to get the permit from Building & Safety and they have a setback problem. He noted they were right outside the line on a dual jurisdiction subdivision, however the lot was in Lancaster County's jurisdiction.

Schorr asked how many houses were in the subdivision.

Terry Kathe, Zoning Coordinator, appeared and said there are three 20-acre lots that are in Lancaster County's jurisdiction and the other 20 are 5-acre lots and are not in Lancaster County's jurisdiction. He noted the lots were created prior to the resolution enforcing the setbacks, so they wouldn't have been enforced because they were before the resolution.

Zimmerman noted his office would not have enforced the sideyard setback in either case and now they are being asked to on a complaint basis.

Kathe said the requirements are 60 foot setbacks to the house and the house is built 34 feet too close to the side property line. He believed they originally put their well or septic system on the abutting owners property. Kathe noted the owner has applied to the Board of Appeals to reduce the setback, which Building & Safety has never enforced.

Zimmerman said they do not want to get trapped as enforcers into a mode of selective enforcement, where they typically would not have been enforcing the sideyard setback. He said they are now asking for the sideyard setback to be adhered to.

Kathe said if the decision was made not to require a sideyard setback, the Board of Zoning Appeal would be withdrawn. He noted the zoning rules in general require not only setbacks but the frontage requirement.

Zimmerman noted if the Board wants to enforce setbacks on all lots, 20-acres or more, it doesn't take very much time. He said the frontage is road frontage and it takes more time to find out when the lots were created.

Eagan indicated a resolution needs to be drawn up regarding enforcing the setbacks and the State Legislation still needs to be fixed regarding people building houses in the 3-mile on 20-acres or more.

MOTION: Stevens moved and Workman seconded to have the County Attorney, Building & Safety and Kerry Eagan prepare a resolution for consideration regarding enforcing the setbacks. Schorr, Stevens, Heier, Hudkins and Workman voted aye. Motion carried.

7 SALINE WETLAND PRESERVATION GRANT - Terry Genrich, Natural Resources Manager; Tom Malmstrom, Saline Wetland Project Coordinator

Terry Genrich, Natural Resources Manager, appeared and indicated in 2003 they applied for the Section 319 Program for some funds for acquisition and restoration of the Saline Wetlands and received \$1 million from the application.

Tom Malmstrom, Saline Wetland Project Coordinator, appeared and reported there is a \$500,000 application that is to the Environmental Trust and he needs a letter of support from the County Board supporting the use of the funds. He said in the 319 Funds \$180,000 was utilized for the purchase of 140 acres on 98th Street and I-80, \$175,000 was for engineering fees for a restoration project and there is an agreement with the Game & Parks Commission to complete 3 water control structures in the amount of \$280,000. Malmstrom also noted the City has an agreement with the NRD for a drought structure on the Schleich Wetlands, which is almost \$600,000. He said the \$500,000 application is for a 3-year period and they need a letter stating the Board is in agreement with the grant and they can utilize the Environmental Trust money as a match for the grant.

MOTION: Stevens moved and Workman seconded approval of the draft letter and to authorize the Chair to sign it. Heier, Schorr, Workman, Hudkins and Stevens voted aye. Motion carried.

8 MEDICAL STAFFING FOR COMMUNITY MENTAL HEALTH CENTER - Dean Settle, Community Mental Health Center Director

Dean Settle, Community Mental Health Center Director, appeared and indicated last year there was a decision made to hire 2 full-time nurses through the County employment process rather than contract nurses from BryanLGH. He said with the retirement of the Medical Director, he is asking that Dr. Roy's hours be changed from 35 hours to 40 hours because of the additional requirements and responsibilities. Settle noted Dr. Roy has taken over all of the partial hospitalization clinical supervision, the community support supervision and he is asking that Dr. Roy become the Acting Medical Director. He said of the 40 hours, 30 hours are face to face client time and the rest are his administrative responsibilities along with supervisory duties.

Settle said moving Dr. Roy to 40 hours would be an additional \$25,000 in salary and benefits and he would also like to add \$100 per week for Acting Medical Director.

MOTION: Workman moved and Heier seconded to change Dr. Roy's hours from 35 to 40, name him Medical Director and add an additional \$100 per week for the extra responsibilities. Stevens, Workman, Hudkins, Heier and Schorr voted aye. Motion carried.

9 PAY STATUS OF HALL OF JUSTICE EMPLOYEES - Mike Thew, Chief Deputy County Attorney; Tom Fox, Deputy County Attorney

This item is going to be held with Personnel at a later date.

10 ACTION ITEMS

- a. Paycheck Insert from StarTran (October 6, 2005)

MOTION: Heier moved and Workman seconded to approve the paycheck insert along with the price of the bus pass. Heier, Stevens, Workman, Schorr and Hudkins voted aye. Motion carried.

- b. Microcomputer Request, C#2005338, \$2,944.91 for a Laptop from Jail Diversion Grant Funds

MOTION: Schorr moved and Stevens seconded approval of the Microcomputer Request. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. R-O-W Certificate

Eagan distributed documentation regarding the Right-of-Way Certificate for Federal Aid Recreational Trails Program Project (Exhibit D). He said the resolution was passed on Tuesday and now the certificate needs to be signed by the Chair.

MOTION: Stevens moved and Workman seconded to authorize the Chair to sign the Certificate. Heier, Stevens, Schorr, Hudkins and Workman voted aye. Motion carried.

- B. Ernie Goss Presentation to Arena Task Force

Hudkins asked Schorr if she asked the Arena Task Force if they would review the Lancaster Events Center's presentation by Ernie Goss.

Schorr indicated the Task Force doesn't meet again until September 29, 2005 and she will ask them at that time.

12 ADMINISTRATIVE OFFICER REPORT

- a. Letter from State Health and Human Services Regarding Juvenile Detention Services

Eagan reported he received an email from Dennis Banks, Youth Services Center Director, expressing his concern on extending the contract for 60 or 90 days with the existing rates and it having an impact on the income for next year because Lancaster County is planning on raising the per diem. Eagan said HHS indicated the assessment would be paid by the County for the first 10 days, per Statute, and after 10 days it would be the responsibility of the Office of Juvenile Services.

MOTION: Stevens moved and Workman seconded to authorize the Chief Administrative Officer to draft a letter with the Chair's signature to Health and Human Services relative to the extension and negotiation of the Youth Services Contract. Heier, Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

b. Policies Regarding Computer Acquisition and Building Access to Public

Eagan reported the dress code resolution will go on Tuesday's agenda.

Thorpe distributed documentation regarding comments about the computer policy (Exhibit E) and gave an overview of them. She said the Board currently has a requirement when it comes to Microcomputer purchases and she wondered if an agency should be allowed to install computer equipment as long as they do not impact the network.

Workman noted a person can purchase a computer system for less than \$500 and he would have a problem with an employee purchasing "Best Buy" equipment.

MOTION: Workman moved and Heier seconded to accept the policy, take out the \$500 and not mention any price on the monitors and that the agencies be allowed to purchase only monitors as an additional piece of equipment with the County Board approval. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

c. F³ Fixed Assets

Thorpe reported there are a lot of fixed assets on the books for F³ and she wondered if a resolution should be drawn up giving the fixed assets, in an unspecified amount, as of August 30, 2005, to Region V. She noted there are \$77,000 worth of computers and printers and miscellaneous equipment in the amount of \$46,000 on the books. Thorpe noted F³ has purchased \$32,000 worth of items since July 1, 2005.

Schorr indicated some of the computer equipment is at Region V, some is at Trabert Hall and there is some equipment at cultural centers and community sites.

Stevens said they should ask Region V what they have or don't have.

MOTION: Workman moved and Stevens seconded to appoint a committee consisting of Gwen Thorpe, Deb Schorr, Ray Stevens and Property Management to ascertain the property that is to be transferred from F³ and bring a recommendation to the Board that will facilitate the transfer. Stevens, Workman, Heier and Hudkins voted aye. Schorr voted no. Motion carried.

d. NACo General Assistance Task Force

Eagan reported he had a meeting with Larry Dix regarding General Assistance issues who stated other counties are having problems paying Lancaster County's rate of general assistance. He said Dix was suggesting that a letter be written to NACo asking for a NACo General Task Force, however it is already on the agenda at the panel discussion this fall and a letter doesn't need to be sent.

e. Director Evaluations

Eagan reported he received back a redo of all the job descriptions, however they will need one more round of review and he is proposing a change to the memo stating they will send out a copy of the job description, the employee position description template and the manual for doing the evaluations.

Schorr suggested setting up some time in the morning on October 18th and October 25th for each of the Director's to come in.

f. Ecological Committee Reports Regarding Acreage Near Ecologically Sensitive Areas

Eagan indicated the Ecological Advisory Committee was to come up with an algorithm to evaluate acreage development near ecologically sensitive areas. Apparently the reports were being sent to the Planning Department who were using them in the preparation of their reports, but it wasn't being sent to the developer, landowner or the County Board. Eagan noted the future reports need to be sent to the County Board and the landowner.

Stevens believes it is appropriate to send the report to Planning and if the Planning Commission hasn't met than they can have it as part of their input.

The Board agreed to have a couple of the members of the Ecological Committee come in on a Thursday staff meeting.

g. Recognition of Waterline Break Responders

Eagan reported the resolution will go on Tuesday's agenda.

h. Elected Official Salary Committee

Eagan reported Jan Gauger does not want to be on the committee and she recommended Joe Edwards. The others that agreed to be on the committee were Pat Kahm, Steve Eicher, Gerald Dimon, Jim Gordon, Doug McDaniel and Sam Seever.

14 DISCUSSION OF BOARD MEMBER MEETINGS

a. LIBA Budget Monitoring Committee - Stevens

Stevens reported they discussed the School Bond issue and a need for \$400 million worth of buildings for schools over the next 25 years. He also said they talked about the Joint Public Agency.

Heier suggested mentioning to the committee that a new jail will need to be built in the future.

b. Lancaster Manor Advisory Committee - Heier

Heier did not attend the meeting.

c. Public Building Commission - Hudkins, Workman

Hudkins reported the meeting is today at 1:30 p.m.

ADJOURNMENT

MOTION: Schorr moved and Stevens seconded to adjourn the meeting at 12:32 p.m. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk